

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 30, 2009

Senate Chamber

At the request of the President Pro Tempore, Senator Cameron called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Darrington and Goedde, absent and formally excused by the Chair; and Senators Andreason and Coiner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Emily Hunter, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 29, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Coiner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 30, 2009

The JUDICIARY AND RULES Committee reports that [S 1050](#), [S 1051](#), and [S 1052](#) have been correctly printed.

DARRINGTON, Chairman

[S 1050](#) and [S 1051](#) were referred to the Judiciary and Rules Committee.

[S 1052](#) was referred to the Agricultural Affairs Committee.

The STATE AFFAIRS Committee reports out [S 1041](#), [S 1043](#), and [S 1044](#) with the recommendation that they do pass.

[S 1041](#), [S 1043](#), and [S 1044](#) were filed for second reading.

January 30, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Vaughn Heinrich to Idaho Endowment Fund Investment Board, term to expire April 11, 2012.

William W. Deal to the Public Employee Retirement System of Idaho, term to expire July 1, 2013.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Don Dietrich of Boise, Idaho, was appointed Director of the Department of Commerce to serve a term commencing April 10, 2008, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Terry T. Uhling of Boise, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Leonard Beck of Burley, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marsha H. Smith of Boise, Idaho, was appointed as a member of the Public Utilities Commission to serve a term commencing January 13, 2009, and expiring January 13, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Linda Pike of Moscow, Idaho, was appointed as a member of the Board of Tax Appeals to serve a term commencing June 30, 2008, and expiring June 30, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ted Hoffman of Mountain Home, Idaho, was appointed as a member of the Idaho State Racing Commission to serve a term commencing January 13, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Scott McLeod of Nezperce, Idaho, was appointed as a member of the Idaho

Lottery Commission to serve a term commencing January 1, 2009, and expiring January 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 30, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Yost of Boise, Idaho, was appointed as a member of the Northwest Power and Conservation Council to serve a term commencing January 15, 2009, and expiring January 15, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 30, 2009

Dear Mr. President:

I transmit herewith [H 3](#), [H 5](#), [H 10](#), [H 11](#), [H 12](#), [H 6](#), and [H 7](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 3](#), [H 5](#), [H 10](#), [H 11](#), [H 12](#), [H 6](#), and [H 7](#) were filed for first reading.

Senator Andreason was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The Acting President announced that [HCR 6](#) was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Kelly, that [HCR 6](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Darrington, Goedde. Total - 2.

Total - 35.

Whereupon the Acting President declared [HCR 6](#) adopted, title was approved, and the resolution ordered returned to the House.

The Acting President announced that [HP 1](#) was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, [HP 1](#) was adopted by voice vote, title was approved, and the proclamation ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1053

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-401B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR MOTOR VEHICLE REGISTRATION; AND AMENDING SECTION 49-504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR CERTIFICATE OF TITLE.

S 1054

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2902, IDAHO CODE, TO PROVIDE FOR ANNUAL FUNDING FOR THE ADMINISTRATION OF THE PROGRAM.

S 1055

BY TRANSPORTATION COMMITTEE**AN ACT**

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO REVISE PROVISIONS PROHIBITING CERTAIN MATERIALS ON HIGHWAYS, TO PROVIDE FOR EXCEPTIONS AND TO PROVIDE FOR AN INFRACTION.

[S 1053](#), [S 1054](#), and [S 1055](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 3](#), [H 5](#), [H 10](#), [H 11](#), and [H 12](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 6](#) and [H 7](#), by Environment, Energy, and Technology Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 11:15 a.m., Monday, February 2, 2009.

DEAN CAMERON, Acting President

Attest: RUSTI HORTON, Assistant Secretary of the Senate